

01-27-00

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CONTINUATION OR DIVISIONAL APPLICATION
WHERE ORIGINAL APPLICATION PAPERS
ARE USED AS BASIC PAPERS AND
ORIGINAL APPLICATION IS NOT TO BE ABANDONED

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION: 09/378,221	ART UNIT:
PHLY-24,910	CLASS	SUBLCASS	EXAMINER	2756

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

"EXPRESS MAIL" mailing label number EL021320932US, Date of Deposit 1/26/00. I hereby certify that this paper is being deposited with the U.S. Postal Service Express Mail Post Office to Addressee Service under 37 C.F.R. 1.10 on the date shown above and is addressed to the U.S. Commissioner of Patents and Trademarks, Box Patent Application, Washington, DC 20231.

Gregory M. Howison
Gregory M. Howison

jc584 U.S. PTO
09/491142



This is a Request for filing a X Continuation, Divisional application under 37 C.F.R. 1.53(b) of prior application Serial No. 09/378,221, filed on August 19, 1999, entitled METHOD AND APPARATUS FOR ACCESSING A REMOTE LOCATION BY SCANNING AN OPTICAL CODE, by the following inventors:

FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	Philyaw	Jeffry	Jovan
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	Dallas	Texas 75225	US
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
	5968 West Northwest Highway #1813	Dallas	Texas 75225
FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	Mathews	David	Kent
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	Carrollton	Texas 75007	US
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
	3438 Livingston Lane	Carrollton	Texas 75007

The above identified prior application has not yet issued, nor has abandonment of proceedings occurred.

1. Enter the amendment previously filed on under 37 C.F.R. 1.116 but unentered, in the prior application.
2. X A preliminary amendment is enclosed.
3. Please cancel claims before calculating the filing fee.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1, 2 and 3 above.

01/26/00
jc674 U.S. PTO

09/491142-01

(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS	- 13 =	0	x \$9.00 =	\$.00
INDEPENDENT CLAIMS	- 1 =	0	x \$39.00 =	\$.00
BASIC FEE				+ \$345.00
TOTAL				= \$345.00

4. A check in the amount of \$345.00 is enclosed in payment of the filing fees. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,910 of HOWISON & HANDLEY, L.L.P.
5. Amend the specification by inserting before the first sentence: This application is a X Continuation, ___ Division of Application Serial No. 09/378,221, filed August 19, 1999.
6. Priority of Application Serial No. _____, filed on _____ in _____ is claimed under U.S.C. 119.
7. The prior application is assigned of record to DigitalConvergence.com Inc.
8. X Applicant continues to assert small entity status as evidenced by the Verified Statement Claiming Small Entity Status which was filed in the prior application, a copy of which is attached hereto.
9. _____ Please transfer the drawings from the prior application to the new application.
10. _____ A true copy of what is shown in my records to be the above identified prior application as filed, including the oath or declaration as originally filed, is enclosed. (37 C.F.R. 1.60 (b) (2)) The copy of the prior application as filed and attached hereto consists of the following:
- 43 page(s) of specification
 - 5 page(s) of claims
 - 1 page(s) of abstract
 - 13 page(s) of drawing
11. _____ Also enclosed is: _____
- _____ Also enclosed: Request for _____ month extension of time response, with fee of _____
12. The power of attorney in the prior application is to: Gregory M. Howison
- Address all future communications to:
Gregory M. Howison

HOWISON & HANDLEY, L.L.P.
P.O. Box 741715
Dallas, Texas 75374-1715
972/479-0462

The undersigned states that the enclosed application papers comprise a true copy of the prior application as filed.

1/26/00
DATE



GREGORY M. HOWISON, Reg. No. 30,646

____ Inventor(s)
X Attorney or agent of record
____ Assignee of complete interest
____ Filed under 1.34(a)

**STATEMENT CLAIMING SMALL ENTITY STATUS --
SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern identified below and am empowered to act on behalf of the concern:

DigitalConvergence.com Inc.
 4264 Kellway Circle
 Addison, Texas 75244

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 C.F.R. § 1.9 (d), for purposes of paying reduced fees, in that (1) the number of employees of the concern including those of its affiliates, does not exceed 500 persons, and (2) the concern has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the below-identified invention to any person who could not be classified as an independent inventor if the person had made the invention, or to any concern which would not qualify as a small business concern or as a nonprofit organization. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that exclusive rights to the invention have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled
**METHOD AND APPARATUS FOR ACCESSING A REMOTE LOCATION BY SCANNING AN
 OPTICAL CODE**

and for which application for Letters Patent of the United States was filed August 19, 1999 and assigned Serial No. 09/378,221 by inventor(s), Jeffry Jovan Philyaw and David Kent Mathews.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. § 1.29 (b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application or any patent issuing thereon.

DigitalConvergence.com Inc.

By: _____

Jeffry Jovan Philyaw

Its: _____

President

Date: _____

9/21/99

00924-013600